Oil and Gas – Water Quality, Reclamation Laws

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SUMMARY

Rapid development of oil and gas wells, particularly in urban and suburban areas, coupled with the practice of hydraulic fracturing, has sparked concern for water quality and an interest in laws designed to protect water quality. This map focuses on water quality issues related to reclaiming old wells.

ABOUT OIL AND GAS WATER QUALITY RECLAMATION LAWS & THE DATA

Improved technological developments in directional drilling and hydraulic fracturing, more commonly known as “fracking,” have resulted in a boom of oil and gas production nationwide. In October 2013, the U.S. Energy Information Administration announced that the United States would surpass Russia and Saudi Arabia as the world’s largest producer of oil and natural gas by the end of the year. The boom has resulted in oil and gas development in regions unaccustomed to the industry as well as in regions that have a century-long relationship with oil and gas extraction. However, wastewater discharges, hydraulic fracturing fluid spills, improper casing/cementing, and other accidental spills pose potential water quality risks in areas where directional drilling and hydraulic fracturing technologies are utilized. Rapid development of oil and gas wells, particularly in urban and suburban areas, coupled with the practice of hydraulic fracturing, has sparked concern for water quality and an interest in laws designed to protect water quality.

This page includes statutes and regulations from Alaska, Arkansas, California, Colorado, Illinois, Louisiana, Montana, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Utah, West Virginia, Wyoming, and the federal government. These states overlay major shale formations such as the Bakken, Eagle Ford, Greater Green River, Mancos, Marcellus, Niobrara, Permian, Piceance, Powder River, San Juan, and Uinta. State and local governments in these jurisdictions are experiencing new or increased oil and gas development, and there is tremendous value in looking at other jurisdictions to guide statutory construction and rulemaking.

The water quality statutes and regulations are broken into five different stages of oil and gas activities and are displayed using five separate maps:

1. Permitting, Design, & Construction
2. Well Drilling
3. Well Completion
4. Production & Operation
5. Reclamation

NAVIGATING THE DATA

There are two ways to navigate the data by clicking the Filter tab or the Explore tab — for each option, the data can be visualized in a map and table format or in jurisdiction profiles.

Filter

The dataset homepage will default to the Filter tab. Here, users may answer a series of questions to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions.

Explore

Users can access Explore by clicking the Explore tab in the bar above the questions. Using Explore, users will see the answers to one question across all jurisdictions.

The primary questions in this dataset are:

1. Is interim reclamation required?
2. Is a reclamation plan required?
3. Are financial assurances required for new wells in case proper reclamation is not achieved?
4. Are final reclamation tasks required when a well is plugged and/or abandoned?

DISPLAYING THE RESULTS

There are two display modes once criteria have been selected by using either the Filter or Explore tab — Map display mode and Profiles display mode.

Map Display

LawAtlas.org dataset homepages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

- Using the Filter tab, you can select an unlimited number of criteria and the applicable jurisdictions that meet the combined criteria will be displayed in the table below.
- Using the Explore tab, you can isolate a single criterion and the applicable jurisdictions will appear in the table below.

Profiles Display

The Profiles display presents the results of the criteria selected in a text-based format for each applicable jurisdiction. Using the Filter tab, jurisdictions that meet the criteria selected will
display. Using the Explore tab, jurisdictions that meet the criterion selected will display. If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

Profile Legend
Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

<table>
<thead>
<tr>
<th>§§</th>
<th>Toggle Legal Text – Selecting this option will show all the legal text used to answer questions for this jurisdiction.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Toggle Full Place Profile – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs.</td>
</tr>
<tr>
<td></td>
<td>Toggle Size – Selecting this option will make the profile larger, but will not change the information displayed.</td>
</tr>
</tbody>
</table>

Legal Text History – This interactive timeline displays when changes in the law have occurred within a jurisdiction. Using the arrows to the left or right, users may explore how the law has changed over time as new amendments to the law have been enacted. The timeline will change from gray to a shade of yellow when the jurisdiction passed its first relevant law. Each change in the law after that is marked by a break in the timeline.

Map and Profile Legend
There are a few symbols to be aware of in both Map and Profiles display modes:

| § | Section Symbol – Clicking this symbol will open a window that displays excerpts from the law that correspond to the question and answer. |
| ☢️ | Caution Note – Clicking on this symbol will open a small window that displays text that describes important caveats about the question and answer. |

DATASET RESOURCES
Each dataset homepage includes the following resources available for download:

- Data: The Data file exports in CSV format and may contain two tabs. The “Statistical Data” tab contains the legal variables coded in the dataset, displayed as values defined in the accompanying Codebook. The “Summary Data” tab contains the legal variables coded in the dataset in text form, as well as the accompanying citations and any caution
notes that may be included. Note: if there is only one tab available for download it will be the “Statistical Data” as described above.

- Codebook: The Codebook defines all of the coded variables in the dataset. The Codebook lists the question, question type, variable name, variable value and variable label. The Codebook should be used in conjunction with the Statistical Data extract.

- Research Protocol: The Research Protocol is a comprehensive document that outlines the entire methodology of the project, including the scope, inclusion and exclusion criteria, data collection methods, definitions, coding scheme decisions, as well as the quality control process.

- Summary Report: The Summary Report provides a snapshot of important findings from the dataset.

**ADDITIONAL INFORMATION**

For more information about oil- and gas-related laws, please see:


This collection of laws does not provide legal advice nor does it address enforcement of laws, administrative policies, case law, or any other sources of law. Should you have a specific question about these laws in your state, please contact an attorney in your jurisdiction.